

# **COUNTY OF YORK**

## **MEMORANDUM**

**DATE:** May 6, 2003  
**TO:** York County Planning Commission  
**FROM:** Senior Housing Study Committee

Ann White, Chair  
Rob Heavner  
Paul Garman  
Vern Lockwood  
Willie McIntosh

Rick Moberg  
Al Ptasznick  
Rev. Solomon Wesley  
Donald Wiggins

**SUBJECT:** Senior Housing Draft Text Amendments – Application No. ZT-74-03

The Senior Housing Study Committee is pleased to present its recommendations for amendments to the York County Zoning Ordinance intended to better recognize the range of senior housing products being pursued in today's housing market. The Committee appreciates the opportunity to have discussed this important issue and we hope that our recommendations will be helpful as the Planning Commission and Board of Supervisors deliberate.

The Committee began its work with the recognition that the York County Zoning Ordinance currently defines and lists "nursing homes" only, and further, that "assisted living facilities" are allowed by administrative interpretation under the same circumstances as nursing homes. However, none of the other common types of senior housing options are currently mentioned. As a starting point for discussion, the Committee reviewed the staff-developed draft amendments that were intended to address the "gaps" in the current ordinance and respond to inquiries by various parties interested in pursuing senior housing products in York County.

The Committee wishes to acknowledge and express its appreciation for the assistance and information offered by several senior housing "industry" representatives. These individuals provided extremely valuable insight into the various different types of senior housing facilities as well as information concerning market trends and occupancy characteristics. The individuals assisting the Committee were:

- Michael Martin, Vice President, Riverside Retirement Services
- Brian Lopez, Development Manager, Osprey Housing Group
- Corbin Anderson, Area Manager, Osprey Housing Group
- Garth Brandaw, Curry Brandaw Architects, Holiday Retirement Corporation

Our special thanks are extended to Mr. Martin for hosting the Committee on a tour of the Patriot's Colony Continuing Care Retirement Community in James City County.

## Senior Housing Committee Report

May 6, 2003

Page 2

The Committee began its discussions with a general overview of the current Zoning Ordinance provisions and of the characteristic housing desires of seniors. The industry representatives were extremely helpful in the discussion of typical occupant characteristics and their housing preferences. Staff also compiled some basic information from research concerning senior housing preferences and the basic differences among the various types of senior housing (copies attached). In addition, the tour of the Patriot's Colony facility provided a valuable opportunity for the Committee to see first hand the various types of senior housing products.

The Committee's discussion and recommendations are summarized in the following paragraphs and the Committee's recommended text amendments, as adjusted from the initial staff draft, are attached:

### Section 24.1-104 – Definitions (page 1 of Attachment)

The proposed definitions have been drawn to parallel the terminology and criteria specified by the Code of Virginia as well as those commonly used in the senior housing industry. They are designed to recognize the progression of needs and options from independent living arrangements through facilities with increasing levels of personal care and assistance. The definitions further recognize that such housing (independent, congregate or assisted living) may be in an individual site setting or may be part of a project offering the full continuum of housing options to serve the changing needs of individuals as they age (continuing care retirement communities). The Committee discussed the age-restrictions at length and ultimately determined that the 62 years old threshold (rather than 55) would be more appropriate. It should be noted that the provisions are written to recognize and allow occupancy by a younger spouse or companion, as long as at least one resident of each unit is 62 or older. After discussing the typical move-in age with the industry representatives, the Committee believes that the 62-years old standard will provide appropriate occupancy opportunities for the various types of housing products.

### Section 24.1-306 – Table of Land Uses (page 2)

*Independent living facilities* are typically arranged in condominium or apartment-style structures and, for that reason, are likely to be quite similar to the types of housing already allowed in the RMF – Multi Family Residential district. However, because senior housing projects typically propose a higher number of units per acre than general market housing, the Committee's draft proposes that all senior housing facilities be subject to a Special Use Permit requirement. After considerable discussion, the Committee also decided to recommend that *independent living facilities* arranged in multi-unit structures with internal entrances be allowed in the LB-Limited Business and GB-General Business districts by Special Use Permit. The Committee discussed the pros and cons of whether *independent living* facilities are appropriate for a commercial zoning district. On the negative side, introducing a "residential" use into a commercial district could be viewed as contrary to the County's commercial development objectives and could cause a slight increase in the County's ultimate build-out population. On the positive side, occupancy averages on a per-unit basis are typically much lower than

## Senior Housing Committee Report

May 6, 2003

Page 3

standard residential units, the building size and appearance may be better suited to a commercial area, and the real estate tax revenue and low service demands may represent as much of a positive fiscal impact as certain other uses allowed in the LB and GB districts, particularly on properties that have limited commercial development potential. In the end, the Committee opted to recommend that this style of independent living facility be allowed in the LB and GB Districts by Special Use Permit, recognizing that the SUP process provides a case-by case review opportunity for the Board of Supervisors. In addition, the Committee noted that even though these and other types of senior housing facilities might cause a slight increase in the ultimate build-out potential, they would have a relatively insignificant impact on factors such as school-age population, traffic, utility demands, recreation demands, etc., which represent most of the public service factors that necessitate density regulation. It was noted, however, that while senior housing projects may not have direct impacts on school enrollment, they might indirectly cause enrollment to increase as the homes vacated by empty nesters may be purchased by married couples with children. In fact, the staff theorizes that some of the enrollment increase experienced this year in York County may be partly attributable to the success of Rainbrook Villas, an age-targeted housing development marketed mostly to the 55-and-older population. Of course, this "backfilling" of empty nest houses by families with school-age children is a part of the normal operation of the housing market; however, it will likely occur in greater numbers and at an increased rate around the times when senior housing projects are built and occupied.

The Committee is proposing that *congregate care*, *assisted living* and *continuing care retirement* (CCR) facilities be allowed by Special Use Permit in the RMF, LB, GB and EO zoning districts. These uses are proposed as Special Uses (S) in the RMF district, just as *nursing homes* are now, because of their intensity, potential building size and bulk, and the need to evaluate density issues. The Special Use (S) designation in the LB, GB and EO districts is based on the residential nature of the facilities and the need to address the suitability of proposed sites, surrounding uses, fiscal impacts and other factors on a case-by-case basis.

The LB-Limited Business district is proposed as a location for these types of facilities since it is described in the Zoning Ordinance as "...an appropriate transitional district between residential and more intense commercial and industrial districts..." and one in which "...commercial activities having a relatively low external impact, which can be acceptable in proximity to residential areas..." are allowed. In addition, the Committee believes that there may be certain GB and EO properties appropriate for senior housing because of their location, surroundings, and/or limited potential for development for typical GB/EO uses. The Committee recognizes that despite their residential component, senior housing facilities represent a type of business/commercial venture that can generate employment (staff, nursing care, food service, etc.) and in some cases may result in a greater investment (hence greater tax revenue) on a commercial parcel with limited potential than would be the case if used for an otherwise allowable commercial activity.

Section 24.1-361 – PD – Planned Development District (pages 4 and 5)

The Committee recommends that *senior housing* be added as a specifically listed use in the Planned Development District regulations. While it could be argued that senior housing would fit under the general heading of *Dwellings*, the Committee believes the Zoning Ordinance would be more clear if there is specific mention of senior housing and reference to the proposed performance standards. In addition, the Committee recommends including a specific mention of the special density allowance (up to 20 units per acre)

Section 24.1-411 – Performance Standards

The recommended performance standards are drawn from various sources and examples and are intended to set basic design parameters for senior housing projects. Comments concerning some of the more significant standards are as follows:

- Section 24.1-411(b) – The Committee proposes that density limits be evaluated and established by the Board of Supervisors on a case-by-case basis, but with an absolute maximum limit of 20 units/acre. That density level represents twice the level allowed in the RMF zoning district and is proposed under the premise that occupancy averages for senior housing tend to be lower than for general market housing (e.g., more single occupant units) and, as a result, many of the impacts for which density is regulated are lessened or eliminated (e.g., no school impact, lower traffic generation, lower service demands). Some in the senior housing industry would argue for an even higher density allowance, and that might be appropriate in other localities. However, the Committee believes that the 20 units per acre limit is the most that should be considered for York County and, even then, that it should be evaluated on a case-by-case basis.
- Section (d)1. – The benchmark for building height is proposed to be set at 45 feet, which is the maximum height allowed for multi-family residential structures in the RMF district. Note that the proposed condition is written to allow the Board of Supervisors to establish a lower height limit based on emergency services considerations or the characteristics of the surrounding area.
- Sections (d)2. and 3. – These proposed design standards are intended to distinguish senior housing facilities, particularly the congregate care facilities, from general market apartment complexes.
- Section (d)4. – This provision is intended to ensure that appropriate attention is given to providing facilities for the recreational and social use of the residents.
- Section (e) – The proposed 50-foot perimeter buffer requirement is intended to ensure the compatibility of senior housing facilities with their surroundings and to help buffer the facility from potential adverse impacts associated with adjacent commercial activities/uses. The 50-foot perimeter buffer is the same dimension required currently

by the Zoning Ordinance for apartment developments.

- Sections (f) and (g) – These provisions are essentially the same as required currently by the Zoning Ordinance for apartment developments.
- Section (h) – The Committee spent considerable time discussing the emergency services issues associated with senior housing. Fire Chief Kopczynski provided valuable information and recommendations in this regard and the Committee's visit to Patriot's Colony helped as well. Chief Kopczynski noted concerns about emergency evacuations that might be necessary at such facilities and the manpower that would be needed to assist those residents with limited mobility. The Committee learned that some senior housing facilities would be required to be constructed in accordance with the Institutional classification standards of the Building Code, while others could be constructed in accordance with a Residential classification. Recognizing that the Institutional classification provides more comprehensive standards relating to reduced combustibility of structural components, greater fire and smoke limiting features, and fire detection and suppression systems, the Committee is recommending a condition that would allow the Board to require, upon recommendation of the Department of Fire and Life Safety and the Building Official, compliance with one or more aspects of the Institutional classification standards.
- Section (n) – This section is proposed in order to allow a thorough assessment of the projected impact of the proposed project in terms of demand for County services as well as fiscal impacts.
- Section 24.1-608 – The Committee is recommending parking for independent living facilities at a lower ratio than required for multi-family dwellings. For congregate care and assisted living facilities, an even lower parking ratio is proposed under the premise that fewer, if any at all, of the residents will have vehicles and also in recognition of the practice of many such facilities to provide mini-bus transportation services for their residents. It should also be noted that proposed Section (k) under the performance standards is written to allow site- and project-specific parking analyses to be prepared for individual project proposals in the event the developer believes that the parking demand associated with their specific project/product will be less than the required ratio.

### **Conclusions**

The Committee believes that the recommended text amendments will provide reasonable and ample opportunities for the development of senior housing facilities of all types and cost ranges in York County. The Committee has reviewed a number of sites for which interest in senior housing has been expressed and believes that the proposed regulations would allow consideration of proposals on each of those. The Committee learned from the senior housing industry representatives that market research is often based on the premise that prospective residents will come from within a 5-mile radius of a senior housing facility. The Committee believes that the regulations it has proposed will provide appropriate opportunities throughout York County to respond to the potential

**Senior Housing Committee Report**

**May 6, 2003**

**Page 6**

market demand for senior housing while ensuring, through the Special Use Permit process, a thorough review of the suitability of each site proposed.

Again, the Committee appreciates the opportunity to participate in this important project and hopes that its recommendations will be found beneficial by the Planning Commission and Board of Supervisors.

jmc

Attachment

- Research notes and charts
- Proposed Text Amendments dated April 29, 2003

**Reasons to move are varied and sometimes hard to identify:**

- The neighborhood has deteriorated and safety is a concern.
- To be near children (70% of those 65+ live within 1 hour of a child).
- To match home's facilities to senior's faculties.
- Avoid stairs in a home.
- Home is too large or costly to maintain.
- Home may not meet present needs, physical or otherwise.
- Assets are tied up in the home and cash is needed.
- Don't drive and available transportation is not adequate.
- Retired and looking for new lifestyle.

Active seniors, seen as move-down buyers, may be moving down, not in size, but in their home maintenance

Since 1960 the trend has been to move from cities to rural or suburban settings with warmer climate and recreational opportunities (Fuguitt and Beale, 11/93, Journal of Gerontology). Recently we see more active senior communities, apartments and complexes for the elderly, offering medical care components, "infilling" in older neighborhoods.

Opportunities to move to nearby metro or suburban located senior communities offers the chance to right-size lifestyle without giving up proximity to friends and the familiar.

As seniors remain in their homes until they are in their late 70's or 80's, when they do relocate, they want to stay close to their home of many years. Long distance moves occur when seniors want to be closer to adult children, siblings, or other close relatives, or go back to where they grew up or once lived.

Relocating seniors find satisfaction in their new location if they have common interests with other residents or neighbors and can have friendly, helpful people around them.

(Source: SeniorResource.com)

**Semi-Independent Elderly**

**Congregate Care** — Among various alternatives of senior housing facilities in the U.S., congregate care complexes are most like independent living but usually include group-related amenities such as a clubhouse, community dining room, and/or a swimming pool. Congregate care operators usually create a landlord/tenant relationship with residents in which monthly rental is charged. Staff members of congregate care facilities provide support services like housekeeping, linen service, transportation and organizing social activities.

**Life care centers (LCC), continuing life care centers (CLCC) and continuing care retirement communities (CCRC)** — Continuing care residences provide the opportunity for, as one might imagine, life care. Initially, residents might buy a single unit or, depending on the development, a small home/cabin to live independently until a physical or mental impairment necessitates greater assistance. On-site assisted living and nursing home facilities offer graduated levels of care based on the level of need. (However, payment plans differ per institution and, depending on the nature of the contract, residents may find themselves in a financial quagmire if an unexpected accident or illness requires extended care.)

**Dependent Elderly**

**Assisted Living** — Often regarded as a midway step between semi-independent living and nursing homes, assisted living residents have reached a stage of life when they need a degree of assistance, but do not yet require nursing home care. Most assisted-living developments feature private or semi-private apartments that provide accessibility to assistance and security 24-hours a day. Common amenities include housekeeping services, meals, medication assistance, laundry, and regular check-ins. Other features may include transportation to and from medical and other appointments, social and recreational activities, and wellness programs.

Almost 40% of assisted living space is located in California, Florida and Pennsylvania. About 800,000 Americans over the age of 65 reside in assisted living facilities. Generally, the most prevalent requirements among residents at assisted living facilities (ALF) relate to bathing and medication. Statistics show that the average assisted living resident is an 84-year-old woman requiring help with two to four activities of daily living, which is considered to be low to moderate dependence. Most ALFs are 100% rental facilities administered by for-profit, long term care operators.

**Nursing Homes** — Nursing homes usually are built as "stand alone" facilities that can match hospital care; however, they are also found within hospitals or retirement communities. Rehabilitation and therapy in forward-thinking nursing home have allowed residents more freedom and even the ability to leave the nursing home environment. It is estimated that approximately 30% of nursing home residents do not require the level of care offered by nursing homes and would have their needs accommodated sufficiently in another setting such as assisted living.

**Senior Housing - Hype, Types And Getting It Off The Ground**

---

By Katrina Kemodle



### **Independent Living Facility (ILF)**

An independent living facility is a multifamily complex catering to senior citizens. It generally consists of homes, condominiums, apartments, or mobile or motor homes in which residents maintain an independent lifestyle. It offers minimal or no services beyond building and grounds maintenance. Some independent living communities also include subsidized housing that offers rental assistance from the federal government.

### **Assisted Living Facility (ALF)**

An assisted living facility is a type of living arrangement that combines shelter with various personal support services, such as meals, housekeeping, laundry, and maintenance. Assisted living is designed for seniors who need regular help with activities of daily living (ADLs) but do not need nursing home care. ADLs include such common everyday activities as ambulation, bathing, dressing, grooming, self-feeding, and toileting. Units may or may not have full kitchens, although most provide at least a kitchenette. Assisted living facilities may include those termed board-and-care homes, personal care homes, and supervised care facilities. Normally service is provided on a month-to-month basis or through home health agency billings and Medicare.

### **Congregate Seniors Housing (CSH)**

Congregate seniors housing is a multifamily complex catering to senior citizens, with centralized dining services, shared living spaces, and access to social and recreational activities. Many congregate care facilities offer transportation services, personal care services, rehabilitative services, spiritual programs, housekeeping, and other support services. Apartments may rent on a monthly or annual basis, or may have a condominium or fee simple structure.

### **Continuing Care Retirement Communities (CCRC)**

Continuing care communities, also referred to as life care communities, provide a continuum of care, including housing, health care, and various support services. These communities provide services specified by contract, usually for the balance of the resident's life. The types of services provided range from those in support of independent living to skilled nursing care. Health care services may be provided directly or through access to affiliated health care facilities. Most communities offer a wide variety of contract options. Fees are structured either as a refundable entry fee plus a monthly service fee, as a condominium, as a rental, or as an endowment, and insurance may be mandatory. Residency agreements normally are offered in three versions: extensive, modified, or fee-for-service.

The average pricing of assisted living is usually about 66-75 percent of prevailing nursing rates in the area. The maximum level of consumer affordability for privately paid assisted living is typically 80-85 percent of cash flow disposable income applied to the monthly fee.

### **Financial Qualifications Private Pay**

**Independent \$2,200 12 = \$26,400**

**(@ 75%) \$26,400  $\times$  .75 = \$35,200 per year or \$2,933 per month**

**Assisted living \$2,800 12 = \$33,600**

**(@ 85%) \$33,600  $\times$  .85 = \$39,529 per year or \$3,294 per month**

An independent resident leasing a unit for \$2,200 per month would need to have an annual income of \$35,000 to qualify. An assisted living resident would need approximately \$39,500 in annual income to qualify.

The long-term strategy must be to keep development costs and overhead to a minimum and strike a balance between spending capital dollars and building value as it is perceived by the residents.

- ***Financial*** - Is the facility within the means of the resident? (For more information on paying for an ALF, see "Paying for Assisted Living," below.
- ***Size*** - Is the smaller, more home-like environment of a board and care facility worth giving up some of the privacy that larger facilities offer? Are smaller common areas incorporated into the larger space to provide more intimate areas in which to interact?
- ***Physical Structure*** - Are kitchen or limited cooking facilities available? Having a kitchen may be important to someone who has always enjoyed cooking, whereas a kitchen may be an added risk to someone suffering from dementia. Are counters, cupboards, and light switches easy to reach? For individuals who wander, is there a safe, enclosed space for moving about?
- ***Social Activities and Recreation*** - Are there activities that would be of interest to the resident? When you visit the facility, do people seem engaged? Are events well attended? Will the spiritual or religious needs of the resident be met? Are there special activities for individuals with cognitive impairments?
- ***Location*** - Is the facility close to family and friends so visits can be made easily? Are shopping centers within walking distance?
- ***Ambience*** - Do the residents seem happy and well cared for? Do staff members seem to know residents' names and preferences? Do staff members inquire about the needs and preferences of you or your loved one? Do the staff members seem happy? Do residents interact with one another?

## Senior Housing Options

| Overall Health of Resident<br>(physical, emotional) |  |  |  |  |  |
|---|--|--|--|--|--|
|   |  |  |  |  |  |
| Independent Living                                  |  |  |  |  |  |
| Congregate Care                                     |  |  |  |  |  |
| Assisted Living                                     |  |  |  |  |  |
| Nursing Home  |  |  |  |  |  |
| Continuing Care Retirement Community                |  |  |  |  |  |

| Living Environment<br>(Amount of Personal Freedom / Independence) |  |  |  |  |  |
|---|--|--|--|--|--|
|   |  |  |  |  |  |
| Independent Living  |  |  |  |  |  |
| Congregate Care   |  |  |  |  |  |
| Assisted Living   |  |  |  |  |  |
| Nursing Home  |  |  |  |  |  |
| Continuing Care Retirement Community                              |  |  |  |  |  |

| Daily Needs<br>(dressing, personal care) |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
| Independent Living                       |  |  |  |  |  |
| Congregate Care                          |  |  |  |  |  |
| Assisted Living                          |  |  |  |  |  |
| Nursing Home                             |  |  |  |  |  |
| Continuing Care Retirement Community     |  |  |  |  |  |

## Senior Housing Options

| Health Services<br>Available to Residents<br>(medications, nursing<br>care) |                        |                       |                         |                        |                         |
|---|------------------------|-----------------------|-------------------------|------------------------|-------------------------|
|   | Private<br>Residential | Public<br>Residential | Private<br>Nursing Home | Public<br>Nursing Home | Private<br>Nursing Home |
| Independent Living  |                        |                       |                         |                        |                         |
| Congregate Care   |                        |                       |                         |                        |                         |
| Assisted Living   |                        |                       |                         |                        |                         |
| Nursing Home  |                        |                       |                         |                        |                         |
| Continuing Care<br>Retirement Community                                     |                        |                       |                         |                        |                         |

| Community Services<br>(meals, laundry, cleaning,<br>transportation, etc.) |                        |                       |                         |                        |                         |
|---|------------------------|-----------------------|-------------------------|------------------------|-------------------------|
|   | Private<br>Residential | Public<br>Residential | Private<br>Nursing Home | Public<br>Nursing Home | Private<br>Nursing Home |
| Independent Living  |                        |                       |                         |                        |                         |
| Congregate Care   |                        |                       |                         |                        |                         |
| Assisted Living   |                        |                       |                         |                        |                         |
| Nursing Home  |                        |                       |                         |                        |                         |
| Continuing Care<br>Retirement Community                                   |                        |                       |                         |                        |                         |

| Community Activities<br>(social events, outings,<br>etc.) |                        |                       |                         |                        |                         |
|---|------------------------|-----------------------|-------------------------|------------------------|-------------------------|
|   | Private<br>Residential | Public<br>Residential | Private<br>Nursing Home | Public<br>Nursing Home | Private<br>Nursing Home |
| Independent Living  |                        |                       |                         |                        |                         |
| Congregate Care   |                        |                       |                         |                        |                         |
| Assisted Living   |                        |                       |                         |                        |                         |
| Nursing Home  |                        |                       |                         |                        |                         |
| Continuing Care<br>Retirement Community                   |                        |                       |                         |                        |                         |